

DETAILED ACTION

Response to after Final rejection filed on August 5, 2009 is acknowledged and entered.

Claims 20, 21, 24, 26, 28-31 and 35-38 are pending in this application.

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: A method of preparing an assay sample for detecting bacteria by a flow cytometer comprising providing a diluent comprising a cationic surfactant, a buffer for maintaining a pH of 2.0 - 4.5 and an effective amount of a substance capable of reducing nitrite ions and a staining solution comprising a polymethine dye for staining bacteria is both novel and unobvious over the prior art of record. The instant specification discloses that when the urine sample is stained at an acidic pH, (1) bacteria is stained better than in a neutral or alkaline state and (s) nonspecific staining of mucus threads is prevented and the mucus threads is lysed to a certain extent (see p. 15, lines 1-5). This is supported by Examples 1 and 2 and Figures 1-3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Claims 20-21, 24, 26, 28-31 and 35-38 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JULIE HA whose telephone number is (571)272-5982.

The examiner can normally be reached on Mon-Thurs, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Julie Ha/
Examiner, Art Unit 1654

/Cecilia Tsang/
Supervisory Patent Examiner, Art Unit 1654